

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

**SENATE.**

Wednesday, March 6, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Livingston of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Petition for State support of paupers insane, reported by the committee on legal affairs that the same be placed on file, was on motion by Mr. Eaton of Washington laid on the table.

**House Bills Read and Assigned.**

An Act relating to the issue of bonds by Van Buren Water District.

An Act authorizing the construction of a wharf into the tide waters of Casco bay, in the town of Falmouth.

An Act to enlarge the powers of the Auburn, Mechanic Falls and Norway Street Railway, and to change its name to Lewiston, Augusta & Waterville Street Railway.

An Act to extend the charter of the Mount Desert Trust Company.

An Act to set off the real estate of Mary E. Warren from the town of Brownfield and annex it to the town of Denmark.

An Act to exempt blind persons from the payment of poll tax.

The following bills and petitions were presented and referred:

**Judiciary.**

By Mr. Parkhurst of Penobscot—Bill, "An Act to amend the law relating to political caucuses in the city of Bangor."

By Mr. Curtis of Cumberland—Remonstrance against the duplication, by the University of Maine at the expense of the State, of the Liberal Arts courses.

**Education.**

By Mr. Proctor of Cumberland—Petition of 34 citizens of North Bridgton in favor of the resolve asking for and in favor of Bridgton Academy.

By Mr. Merrill of Cumberland—Remonstrance against the duplication by the University of Maine, at the expense of the State, of the Liberal Arts courses.

By Mr. Hastings of Oxford—Remonstrance of A. R. Crane and nine others of Hebron, against the duplication of the University of Maie, at the expense of the State of the Liberal Arts courses furnished by the other Maine colleges without expense to the State.

Also: Remonstrance of Merton L. Kimball and 88 others for same.

**Mercantile Affairs and Insurance.**

By Mr. Philoon of Androscoggin—Remonstrance of H. L. Haskell and seven others of Auburn, against any change in Maine Standard Policy.

**Interior Waters.**

By Mr. Proctor of Cumberland—Petition of 74 citizens of Harrison praying that a bench work be established on Sebago lake.

**Inland Fisheries and Game.**

By Mr. Philoon of Androscoggin—Petition of George Wilson of Poland and 12 others in favor of An Act amending Section 30 of Chapter 32 of the Revised Statutes, as amended, relating to licenses for buying and selling skins of wild animals.

Also: Petitions of B. F. Farrar of Lisbon and 38 others; of D. B. Giddings of Minot and 15 others; of H. E. Mudgett of Woolwich and 28 others; of C. E. Houston of Kennebunk and 35 others; of R. A. Robbins of Industry and 14 others; of E. N. Osgood of Surry and 35 others; of E. E. Engley of Waldoboro and 35 others; of C. L. Macomber of Jay and 18 others; of B. F. Carter of Rockland and 37 others; of T. H. Burgess of Rumford Center and 37 others; of W. A. Bicknell of Norway and 29 others; of G. R. Hunnewell of Auburn and 47 others, all for same.

**Shore Fisheries.**

By Mr. Wyman of Washington—Remonstrance of Nathan N. Smith and 58 others of town of Steuben against any change in the present law relating to digging and selling clams.

By Mr. Sewall of Sagadahoc—Petitions of Rev. James A. Shaw and 19 others, citizens of Bath, in favor of "An Act to prohibit prize fighting and sparring exhibitions; of Rev. D. B. Hoyt and 39 others of Bath; of Stephen A.

Prince and 13 others of Woolwich, for same, all placed on file.

By Mr. Sewall of Sagadahoc—Remonstrance of George E. Hughes and 27 others of Bath against duplication by the University of Maine at the expense of the State of the Liberal Arts courses furnished without State aid by the other Maine colleges. Placed on file.

#### Reports of Committees.

Mr. Deasy for the committee on judiciary to which was referred the Bill, "An Act relating to negotiable instruments" have had same under consideration and report that the same ought not to pass.

Same senator for the same committee on "Order of the Legislature relating to the draft of An Act to make uniform the laws of sales, endorsed and recommended by the commissioners on uniform State laws" have had the same under consideration and report that legislation thereon is inexpedient.

Mr. Hastings for the same committee on "Order of the Legislature relating to the draft of An Act to make uniform the law of warehouse receipts endorsed and recommended by the commissioners on uniform State laws," report that legislation thereon is inexpedient.

By Mr. Clarke for the committee on legal affairs, on petition of Edwin C. Donnell and 10 others of Alna in favor of the act prohibiting prize fighting" report that the petition be placed on file.

By Mr. Merrill for the committee on mercantile affairs and insurance on Bill, "An Act additional to Chapter 49 of the Revised Statutes, prohibiting non-residents from acting as agents for any fire or casualty insurance company, authorized to do business in the State." report that the same ought not to pass.

Mr. Tartre for the committee on railroads and expresses on Bill, "An Act to extend the charter of the Peaks Island Railroad Company," report that the same ought to pass.

Mr. Staples for the committee on legal affairs on Bill, "An Act to amend Section 17 of Chapter 80 of the Revised Statutes relating to the power of county commissioners to make tempo-

rary loans," report that same ought to pass.

Mr. Mills for the same committee on Bill, "An Act in relation to the Elias Thomas Company," report that the same ought to pass.

Same senator for the same committee on "petition of citizens of Swan's Island praying that for better protection of deer" have had the same under consideration and report a bill is herewith submitted, entitled "An Act to prohibit the hunting of foxes with dogs on Swan's Island."

By Mr. Stearns for the committee on interior waters on Bill, "An Act to amend Chapter 345 of the Private and Special Laws of 1901 relating to improvements in Sandy stream so-called" report that the same ought to pass.

Mr. Mills for the committee on legal affairs on Bill, An Act to confer additional powers on the Duplex Roller Bushing Company, a corporation organized under the general laws of the State of Maine" report that the same ought to pass.

Same senator for the same committee on "Resolve to amend Section 2 of Article 10 of the Constitution of the State of Maine" report that the same ought to pass.

The same senator for the same committee on Bill, "An Act to authorize the Ben Venue Granite Company to erect and maintain wharves on the shores of Crotch island and Green Head" report the same in new draft under same title and that it ought to pass.

The same senator for the same committee on Bill, "An Act relative to the care of steam heating plants," report the same in a new draft under the same title and that it ought to pass.

The same senator for the same committee on Bill, "An Act to incorporate the Stonington Water Company," report that the same ought to pass.

Mr. Page for the committee on banks and banking on Bill, "An Act to amend the charter of the United States Trust Company," report the same in a new draft under the title of "An Act to amend the charter of the United States Trust Company" report that the same ought to pass.

Mr. Houston for the committee on

taxation "Resolve to provide a commission to inquire into the present system of assessing and collecting taxes, and, if possible, to provide for a better and more complete system of assessment and collection, and report to the Governor and Council," report same in new draft under same title and that it ought to pass.

Mr. Simpson for the committee on appropriations and financial affairs on "Resolve appropriating money for the purposes of obtaining information in regard to wild lands for the purposes of taxation" report same in a new draft under same title and that it ought to pass.

Mr. Staples for the committee on legal affairs on Bill, "An Act to amend Section 21 of Chapter 60 of the Revised Statutes relating to the filling of vacancies in the office of ballot clerks," report that the same ought to pass.

Mr. Page for the committee on banks and banking on Bill, "An Act to incorporate the Oakland Trust Company" report that the same ought to pass.

Mr. Irving for the same committee on Bill, "An Act to incorporate the Ashland Trust Company" report that the same ought to pass.

The foregoing bills and resolves reported ought to pass were tabled for printing under the joint rules.

At this point the Senator Hastings of Oxford was called to the chair and presided.

#### Passed to Be Engrossed.

An Act to authorize the American Thread Company to erect and maintain piers and booms in Sebec river.

Resolve in favor of the Northern Maine General hospital of Eagle Lake.

Resolve in favor of the assessors of Moro plantation.

Resolve requesting delegation in Congress to oppose the consolidation of pension agencies.

Resolve in favor of the town of Waldoboro.

Resolve in favor of the town of Liberty for money paid out on account of State roads.

Resolve in favor of Margaret Jane Tibbetts of Hermon.

An Act relating to the records of instruments affecting or conveying title

to real estate in the county of Waldo and now recorded in other counties.

Resolve for an amendment to the constitution by abrogating and annulling Article XXVI, being the amendment to the constitution adopted on the 8th day of September, in the year of our Lord one thousand eight hundred and eighty-four, relating to the sale and manufacture of intoxicating liquors, and being the fifth amendment to the amended constitution.

An Act to extend the charter of the Peaks Island Railroad Company.

An Act to amend Section 17 of Chapter 80 of the Revised Statutes relating to the power of county commissioners to raise temporary loans.

An Act in relation to Elias Thomas Company.

An Act to prohibit the hunting of foxes by dogs in Swans Island.

An Act to amend Chapter 345 of the Private and Special Laws of 1901, entitled "An Act to authorize the erection and maintenance of dams, side dams, piers and booms in the Sandy stream, Gilman pond and Gilman stream in the plantations of Highland and Lexington and the town of New Portland in the county of Somerset and State of Maine, and to make improvements in said streams and pond."

An Act to quiet the title to real estate.

An Act to confer additional powers on the Duplex Roller Bushing Company, a corporation organized under the general laws of the State of Maine.

Resolve to amend Section 2 of Article 10 of the constitution of the State of Maine.

An Act to empower the Ben Venue Granite Company to erect and maintain wharves and docks on the shores of Crotch Island and Green Head in the town of Stonington.

An Act requiring steam plants in school buildings, churches and other public buildings to be in charge of competent persons.

An Act to incorporate the Stonington Water Company.

An Act additional to and amendatory of Chapter 48 of the Revised Statutes of the State of Maine, as amended, re-

lating to the organization and management of Trust Companies.

An Act to amend the charter of the United States Trust Company.

Resolve to provide a commission to inquire into the present system of assessing and collecting taxes, and, if possible, to provide for a better and more complete system of assessment and collection and report to the Governor and Council.

Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

An Act to amend Section 21 of Chapter 6 of the Revised Statutes, relating to the filling of vacancies in the office of ballot clerks.

An Act to incorporate the Oakland Trust Company.

An Act to incorporate the Ashland Trust Company.

At this point the President resumed the Chair.

**Passed to Be Enacted.**

An Act to amend Section 10 of Chapter 12 of the Revised Statutes, relating to county law libraries.

An Act to incorporate the Solon Trust Company.

An Act to provide for the care and education of the feeble-minded.

An Act to incorporate the Weld Water Company.

An Act to incorporate the Little Madawaska Improvement Company.

An Act to regulate fishing in Bartlett's and Cook's brook, so called, in the county of York.

An Act to regulate fishing in the tributaries to Chemo pond in the county of Penobscot.

An Act to prohibit fishing in China lake in China and Vassalboro, and in Lovejoy pond in Albion, in the county of Kennebec.

An Act to regulate fishing in Swan lake and its tributaries in the towns of Searsport, Swanville and Frankfort, in the county of Waldo.

An Act to amend Chapter 134 of the Revised Statutes, relating to recognizances in criminal cases.

An Act relating to the extension of the Fryeburg Horse Railroad.

An Act to incorporate the Limerick Water and Electric Company.

An Act to incorporate the Cupsuptic Stream Improvement Company.

An Act to prohibit the throwing of sawdust and other mill waste into Higgins stream and tributaries, in the counties of Somerset and Piscataquis.

An Act to assent to the purpose and provisions of An Act of the Congress of the United States entitled "An Act to provide for an increased annual appropriation for agricultural experiment station, and regulating the expenditure thereof.

An Act to renew and extend the charter of Cobbosseecontee Fish Cultivating Company.

An Act to extend the charter of the Peppereil Trust Company.

An Act to regulate fishing in East Carry pond in the county of Somerset.

An Act to amend Section 1 of Chapter 538 of the Private and Special Laws of 1898, relating to the taking of smelts in Sheepscot river.

An Act to amend Chapter 40 of the Revised Statutes, relating to employment of minors in manufacturing or mechanical establishments in this State.

An Act to permit ice fishing for pickerel in Bear pond in the town of Turner in the county of Androscoggin and in the town of Hartford in the county of Oxford.

An Act to permit ice fishing for pickerel only in North pond situated in the towns of Buckfield and Sumner in the county of Oxford.

An Act to prevent desertion and non-support of families.

An Act to amend Chapter 123 of the Public Laws of 1905, entitled "An Act for the protection of children."

An Act to regulate fishing in Round and Long ponds and their tributaries in Livermore.

An Act to incorporate the Northern Water Company.

An Act to amend Sections 13 and 14 of Chapter 73 of the Revised Statutes, relating to the sales of estates of non-resident owners.

An Act to regulate fishing in Big and Little Indian ponds and tributaries in the county of Somerset.

An Act to amend Section 15 of Chapter 65 of the Revised Statutes, relating to courts of probate.

An Act to incorporate the Allagash Improvement Company.

An Act to amend Section 14 of Chapter 60 of the Revised Statutes, relating to agricultural societies.

An Act to amend Section 36 of Chapter 101 of the Revised Statutes, in relation to bail commissioners.

An Act to regulate fishing in B pond in Upton in the county of Oxford.

An Act to regulate fishing in Little Big Wood pond, also Wood stream in Somerset county; also to regulate the taking of cusk in all the Moose river waters.

An Act to amend Chapter 154 of the Private and Special Laws of 1895 as amended by Chapter 26 of the Private and Special Laws of 1905, relating to the charter of the Wiscasset Water Company.

An Act additional to and amendatory of Chapter 407 of the Private and Special Laws of 1903, relating to ice fishing in Allen pond in the town of Greene.

An Act to change the name of Widow's Island.

An Act to amend the charter of the Caribou Water, Light and Power Company.

An Act to incorporate the Magalloway River Improvement Company. On motion of Mr. Hastings of Oxford this bill was tabled.

#### Finally Passed.

Resolve providing for screening Anasagunticook lake in Oxford county.

Resolve to amend Chapter 126 of the Resolves of 1905 relating to the Central Maine Fair Association.

Resolve in favor of the town of St. Agatha in the county of Argoostook, to assist in building a road in said town.

Resolve in favor of the State School for Boys.

Resolve in favor of building for criminal insane.

Resolve in favor of the enlargement and completion of the feeding station at the Rangeley lakes.

Resolve in favor of St. Francis plantation to repair River road across Reuben Braa's homestead farm which was washed out by freshet.

Resolves in favor of the Maine State Sanatorium Association.

Resolve in aid of navigation on Sebecton lake.

#### Orders of the Day.

Senator Mills of Hancock submitted Bill, "An Act to amend an act approved

February 27, 1907, entitled "An Act to amend Chapter 107 of the Private and Special Laws of 1905 entitled 'An Act to incorporate the Stockton Springs Water Co.'" and move its reference to the committee on legal affairs. In explanation Senator Mills said: Mr. President, the bill to which this relates was passed without any opposition. One word in the original bill it is desirable to change and by unanimous consent I desire to introduce this bill. The bill was received and referred to the committee on legal affairs.

Mr. HASTINGS of Oxford: Mr. President, sometime since the senator from Kennebec, Mr. Heselton, introduced into the Senate an order relative to the empowering of the committee on temperance to consider the repeal of the liquor agency laws. That order passed the Senate and went to the House, and some days since it was returned to the Senate together with House amendment A which touched especially the conduct of the State liquor commissioner. At the time of its return to the Senate, the physical condition of the State liquor commissioner being impaired—I might say critically—I tabled the order as amended.

For several days I had been promising the senator from Kennebec that I would take that order from the table. I have not done so, and I am not going to do so this morning. I am simply standing here to make an explanation that everybody may know that the State liquor commissioner for some days has been in the hospital in a critical condition.

I have a letter from Dr. Cousins saying that Mr. Leavitt was operated upon yesterday morning for a serious case of appendicitis and is now in a critical condition.

It has seemed to me all along—and it seemed to me this morning—that it would be cruel and inhuman to take up this order and give it a passage at the present time.

It seems to me that the principles of this order might possibly allow that this question remain on the table until we can be assured of the recovery of the State liquor commissioner. That is the reason why it has not been taken from the table and also the reason

why I do not like to take it from the table this morning.

I will assure the senator from Kennebec, Mr. Heselton, and the friends of this measure, that very soon there will be introduced a bill into this Senate touching, and curing—I think, the whole objection on their part to the present liquor agency law.

Mr. HESELTON of Kennebec: Mr. President, I have no doubt that the statements made by the senator from Oxford are absolutely correct, because I have myself seen the letter to which he refers. I do not wish at this time to have any possible misconstruction of my own personal motives in connection with this matter.

The order was fully explained by me in the Senate when it was introduced. It was introduced for the purpose of remedying an imperfect system—as I believed, and not for the purpose of investigating anyone's conduct.

The House saw fit to attach to this order, for political reasons or otherwise, the amendment which I have reason to believe should be passed at the present time, considering the physical condition of the State liquor agent; and I am perfectly content, on the assurance of the senator from Oxford, that this matter should lie upon the table, and that he should present the law which he has suggested remedying the evil of liquor agency system as it now exists.

On motion of Mr. Garcelon of Androscoggin the Senate voted to recal House Document No. 296, "An Act to incorporate the Lisbon Falls Gas & Electric Co.," which was passed to be engrossed. Subsequently on motion by the same senator the bill was tabled.

On motion by Mr. Parkhurst of Penobscot House Document No. 298, "Resolve in favor of a Maine soldiers' monument at the National cemetery at Salisbury, North Carolina," was taken from the table. On further motion by the same senator amendment "A" that the same be amended by changing the word "six" in the third line, to the word "seven" was adopted and as amended the bill was passed to be engrossed. On motion of Mr. Simpson of

York Senate Amendment A to House Document 119 was withdrawn.

On motion by Mr. Heselton of Kennebec Senate Documents Nos. 124 and 125 were taken from the table.

Mr. HESELTON: Mr. President, I have five amendments which I propose to introduce at the proper time in connection with this matter. First I introduce Senate Amendment B to House Document No. 119 as follows:

"Amend Section 1 of House Document 119 by striking out the word "selectmen" in the first line and 12th line and substituting therefor the words "municipal officers"; and also by adding after the word "highway" in the third line the words "and roadway"; also by adding after the word "length" in the fourth line, the words "and constructed" so that the first paragraph of the said section as amended shall read as follows:

Section 1. The municipal officers of the several towns of the different counties in the State shall make an inspection and list of all highways and roadway bridges that are 40 feet or more in length and constructed prior to the first day of June, 1907."

The purpose of this amendment is apparent to any lawyer. The word "highway" has a limited construction and the word "roadway" will obviate a misconception and will include all bridges whether in cities, towns or plantations. The reason for putting the words "and constructed" is to draw a line of demarcation where the county commissioners can begin their work, leaving out those bridges which are in process of construction, until they are completed.

The second amendment which I offer is the following:

**Senate Amendment E to House Document No. 119.**

"Amend House Document No. 119 by inserting after the 25th line of Section 6 and before the words "the expenses" in the 26th line, the word Section 7, and renumbering the lines in this section from one to 22 inclusive."

An examination of the bill will show the senators that evidently the numeral seven was omitted, because Section 6 is followed by Section 8 and the orig-



inators of this bill and the authors of this bill have stated to me that the numbering should have been so placed.

The next amendment which I have to offer is the following:

**Senate Amendment D to House Document No. 119.**

Amend Section 12 of House Document 119 by striking out the word "and" in the second line and adding the words "and bridge districts" after the word "plantations" in the same line, so that the section as amended, shall read as follows: The word "town" in this act shall be construed as including cities, towns, organized plantations and bridge districts."

The next amendment which I have to offer is as follows: "Amend Section 1 by adding after the word bridge in the 25th line the words "all bridges under construction on the first day of July, 1907 shall when completed be the property of the State of Maine, in consideration of said State maintaining and repairing the same, and shall thereafter be known as State bridges, as hereinafter provided."

All bridges, under construction on the first day of July, 1907, when completed, shall be the property of the State of Maine in consideration of said State assuming the repair of same and shall thereafter be known as State bridges and this is to take over those bridges which are in process of construction, after they are fully completed.

I also offer the following amendment:

Amend Section 4 in line 46, by inserting after the word "located," the words "one-third," and after the words "certified," the following words "and the town or towns in which said bridge is located shall also reimburse the county for one-third of the cost so certified so that the cost of new bridges constructed by authority of this section shall be borne one-third by the State, one-third by the county, and one-third by the town or towns in which said bridge is located."

The last amendment I will state was offered for the purpose of obviating the criticism that has been advanced in

both branches of the Legislature that there would be a wild scramble for bridges; and that the county commissioners, feeling that the expense was to go to the State, would grant the requests of the municipalities indiscriminately; and it was hoped and suggested by my friends that something like this would be a check upon any such action.

In this bill we have before us for consideration a bill which simply designs to place upon the State a public burden that has been carried these many years by the municipalities under compulsion of law. It contemplates the care and maintenance by the State of bridges in public ways that are over 40 feet in length.

Bridges in the highways and streets are merely a part of the street, way or highway itself. Nature has placed water ways in different cities and towns, and those cities and towns, before this time, have built bridges over those water ways and maintained them as a part of the public way. When that public way was dedicated for public use, the bridge as a part of the street or highway became public property, a public work dedicated to the use of every citizen of our State, yes, dedicated to the use of every person who had any right to enter upon it, or go over it, and it could only be discontinued after certain procedure defined by our statutes.

Such highways with their bridges have always been under the paramount control of the State which could by statute, subject to constitutional limitations, determine when and where, on what plans, at what cost, and at whose charge, they should be built, and the uses to which they could be put. So well established is the knowledge that public ways are for the legitimate use of everybody that no citizen would question this proposition, but on the other hand the building and maintenance of these public ways, of which the bridges are so important a part, have for so long a time been continued by the municipalities that it is almost a belief that there is no exemption from this municipal burden—the public, forgetting that these burdens are carried by these cities and towns for the public

good, regard them as local obligations inseparably attached to and continuously to be borne by the municipalities as an exclusive duty for the privilege of being a city or town, and whenever any attempt is made to shift the burden from the unit of the town to the care of the county or State, then those individuals, towns and cities, which are more favored by nature in having a few or none of these bridges to care for, cry out against sharing any portion of the public expense so long assumed by the less favored communities. This condition is simply the assertion of human nature itself. It is simply the expression of the collective selfishness of a municipality which is willing that some other municipality shall carry the whole burden just as long as it is willing to do so. We are all prone to this feeling and it is no virtue that we are keenly alive to its existence in others when our own localities have a large part of this burden to bear. I suppose I should be just as aggressive against assuming this public burden if nature and circumstances had located my city so that we had no bridges as is the case of my friends who talk against this measure. I might have seen just as many imperfections in this proposed legislation as they, and if I knew anything about constitutional law, or didn't know anything about it, I might for the purpose of obstructing its passage impressively pronounced the measure unconstitutional; or if that didn't have any weight, and you had examined the decisions of our court and realized that this was a public measure, and, as such, the property of the State could be taxed to carry it on, if that tax was assessed equally according to a just value of the property taxed, then I might cry out in tones of warning that this measure would plunge the State into a veritable financial whirlpool, whose bottom no plummet could sound, and in whose space all things palpable in the State would be swallowed. If you would listen, I might talk about the bankruptcy of the State, or some of the wealthiest municipalities in the State, but when you came down to the final analysis you would realize that I was speaking against a public measure because I wanted to save my mu-

nicipality from sharing a public duty; that I or my city, more favored in natural location, wanted to let the less favored community carry my share or my city's share of the public burden and as much more as she would.

We are all a part of the body politic—in the town, a part of the town; in the State, a part of the State, and as an integral part of the whole should assist in bearing public burdens, though we may not derive immediate or direct benefits, because other parts of the town or State contribute to our conditions of life, even though those benefits are remotely connected with their happiness and comforts.

In a town government no one would admit the force of an argument that one of its citizens should be exempt from his share of the municipal taxes because he was so favorably located that he could get water from a natural spring, and thus did not require the municipal water works; or that he could drain into a stream running by his property and thus the town sewer system was useless for him; or being childless, that he had no benefits coming from the schools; or being blind, that the municipal lighting system to him was unnecessary; there would be other and greater advantages which he did enjoy and for which he was under obligations to the government in which he did live, and for which his neighbors and citizens were contributing, although they might be in less need of them than he was. The very fact that such a man could enjoy in safety his property and privileges would be due to the strength and efficiency of the municipal, State and national government—then why should he be immune from bearing his share of the burdens that make that government locally or nationally an efficient government in its entirety.

In a state government no one would seriously advance an argument that because a municipality was so situated that it had no criminals, or paupers, or insane, it should not assist in caring for these unfortunates in the state institutions; or because it was so unfortunate as to have no children in its midst that it should do nothing for the

general education of the other children of the state; or because it was making such good roads within its own limits it would thus be exempt from assisting in caring for other highways throughout the state in which it was only incidentally interested. If these arguments were valid then each little community could draw a circle around itself and exclude from its consideration any public burden, and enjoy the full protection of the laws for those natural privileges which it alone had.

Such selfishness either in the individual or municipality is not recognized as consistent with public policy. Whatever is for the benefit of the people of a state, the Legislature, which represents the people, has the power to regulate by reasonable laws, not repugnant to the constitution of the state or the United States.

I say, without fear of refutation, that there is no objection in the constitution of our State or nation to the assumption by the State of the control and maintenance of bridges in the highways of the State, because they are the property of the State, whose care and maintenance has heretofore been delegated to the municipalities as a part of the State's system of ways and streets. Surely the State has a right to care for its own as it desires.

I go further and assert that this proposed legislation is a reasonable law and that its regulations are for the benefit of the people of our State at large.

It is reasonable because it is equitable and just, that our State should assume the care of that part of its public works called bridges—the most expensive part to construct and maintain of its public highways—which under penalty must be erected and maintained safe, not for local travel, but for public travel. It takes from the shoulders of the municipality, in whose limits nature has placed brooks, streams, ponds and rivers, which must be spanned by bridges, the burden of maintaining those bridges safe for your travel and that of your neighbors, visitors and friends, safe for the public, though possibly not needed by the municipality itself, and places these burdens upon the State, which represents

the public, and asks you to contribute to this public benefit.

It seems equitable and just. This distribution of the load relieves the municipality and permits it, like your locality, to employ some of this money which it has before used in paying for your share of this public expense, in erecting and paying for water plants, sewers and electric lights, and perhaps, in erecting public buildings and school-houses. You may have had the privilege of building and enjoying these local utilities while we were using our funds in caring for your share of the public burden.

It seems all the more reasonable and just to some of our municipalities because they have borne it, oh, so many years, without any assistance from the State, while other municipalities have had State aid in the construction of bridges in their midst and every time the State has given this aid she recognized her duty to assist in caring for these expensive parts of her highways. Today it has become a so well recognized duty of the State to furnish such aid that 70 resolves are before the committee on bridges asking the State to give funds to assist in the construction of her bridges, in her highways, so that her people and the public in general may travel in safety. It appears to me a reasonable demand. In this matter it is but step from the special to the general legislation. Should we not take that step rather than continue this species of class legislation which forces those municipalities which have bridges to continue in their care and maintenance, and aid those which are hereafter constructed, thus carrying the whole public burden for their locality and sharing for other communities? The regulation proposed by the law seems reasonable in fixing a time when the State is to take over these public structures which are then built, and assume their erection, under certain regulations, of those hereafter constructed. It does not give the privilege to any community, if such a one existed in the State, to now rush ahead and start the construction of a bridge before July 1, next, and then turn it over to the State for completion. It works an apparent hardship upon those

communities which have in good faith commenced such work, but to those it simply says, every completed bridge in your community we will take over and those which are in the process of construction, when completed. We are obliged in order to get the funds, to accomplish this great work to make some limitations and cause some apparent hardships. But no law was ever enacted which rested upon all persons or communities alike. There will always be some apparent inequalities of benefits, but in this, as in others, the purpose has been to secure the greatest good for the greatest number. If this law assumed the future building of all bridges, now under construction, there might be no funds left for the care, repair and maintenance of those bridges we take over. In this respect the regulations of the law seem to me to be reasonable. It certainly does not seem repugnant to the constitution of the State or of the United States in making this condition precedent to the care and maintenance of the bridges.

This bill has been attacked because it is not specific enough in its regulations and details. There can be no question but this measure, if enacted as a law, will accomplish one thing and that is the assumption by the State of the control and maintenance of all bridges in this State over 40 feet in length. If there is any doubt over this point, then the opponents to the measure would not be so strenuous in their objection to the law. And this is the very gist of the measure itself, and if it is specific enough to accomplish that object, it certainly will accomplish the main object of the law.

It is again attacked because it carries with it a friction of a mill tax to meet the expenses. As I understand the history of this measure, as it was first discussed, the expenses were to come from the State treasury, irrespective of how the funds were obtained, but subsequently when it was ascertained with a fair degree of certainty how much this expense would be then it was agreed to provide for this sum by a fraction of a mill tax. And why not? Let me read from the opinion of our court given in answer to the inquiry whether the State had authority to as-

sess a mill tax for the schools, "the tax in question is like that for the support of the government. It is for the benefit of the whole people. All the property in the State is assessed therefore according to its valuation. All contribute thereto in proportion to their means. It is a tax for a public purpose, not one by which one individual is taxed for the special and peculiar benefit of another. All enjoy the beneficial results of education, and the better order and government arising therefrom, irrespective of the amounts respectively contributed by each to these most important objects.

All acts of the Legislature are presumed to be constitutional till the contrary is clearly shown. No court will declare an act unconstitutional when its constitutionality is a matter of doubt.

In relation to the questions proposed, we answer that the legislative has authority under the constitution to assess a general tax upon the property of the State for the purpose of distribution under "An act to establish the mill fund for the support of common schools," approved February 27, 1872."

Now substitute the words "bridges in town and county ways and street" and you can guess fairly well whether this tax is just, reasonable and constitutional.

Among the other objections to the bill are the great unknown quantity of expense, the great unappreciated danger of extravagance of our several county commissioners, and State and road commissioners in repairing or constructing bridges, and the great question of favoritism in setting claims for damages to person or property. These arguments are advanced more to defeat the general object of the bill than because they are believed in by the parties presenting them. The expense can be and has been closely approximated at \$114,000 and 1-2 mil tax would be \$168,321, an ample amount to appropriate for all expected emergencies under this bill; the county commissioners have heretofore been found in Kennebec county conservative business men, of integrity and ability, and I doubt not they have been the same in the other fifteen

counties. I do not believe it is a fair argument to advance that now they all would throw honesty and business integrity to the winds to obtain needless favors, or grant them, under this law, if they did then our State commissioner has a veto power, and as long as we keep him, or find a worthy successor to him, I believe the rights of the State will be properly safeguarded. These charges of these abuses are purely speculative; if abuses arise then we will pass laws to meet them. The imperfections of this bill, if any, will be found and corrected in time as all other public measures of a similar character have been moulded into the laws of the State. Their presence in the original law never caused serious financial loss. It is safe to predict that this one will but repeat the history of others. If you are in favor of the general proposition for the State to care for the bridges which are a part of the public works then you may be sure that by supporting this measure you will attain this object.

More than this, if you are in favor of equalization of taxation you must support the measure to be consistent, for the most forceful argument in favor of this law is that it equalizes taxation. If you admit the general proposition that public institutions should be supported by the State and that the revenues for that support should be equally borne by the taxable property of the State you have admitted the truth of this proposition.

Now in regard to the amendments which I have offered here today, they have been advanced after conference with the other friends of this bill and offered so that by yielding to individual ideas upon this measure we might come together on one common ground. They may interfere with your own personal judgment, but if they do, if you believe in the general principle that the expense of public utility should be borne by the State, there is through these amendments a common ground where we can meet and pass that law.

In the different platforms of the political parties of the State, the idea

was advanced that all public utilities should be sustained and supported by the State. Very recently this same principle was endorsed by the representatives of one of the political parties in this Legislature. Now if that is true, and there is a worthy object before you—and none can discredit the fact that this is a worthy object—if there is an opportunity before you to back up what you have stated publicly on the platform and what you have voted for in the caucuses, why should you not do so?

It is spread broadcast this morning that this law will be one assuming an extravagant item of appropriation. That may be true; but it may also be true that we can curtail the expenses of this one feature of legislation to within the limits of economical action by the State.

More than this: Always consider this one fact, that these bridges today are supported by some one—by some municipality. If you change that burden to the State you turn over to the State the load that municipality has carried and which, if you do not pass this law it must carry indefinitely until some such relief measure is passed.

I trust that when we approach the consideration of the amendment, they will be considered as looking towards a uniform ground upon which we can meet and pass a measure of this kind.

It is necessary for us, in accomplishing a result that looks like the adoption of a public measure of this kind, to yield our personal feelings and to give to the other party something that we would rather have for our community; but, in the name, if we pass the measure so that it carries out the principle which is the gist of this act that is all we ought to desire.

Mr. DEASY of Hancock—Will the Chair state the pending question?

The PRESIDENT—The pending question is the adoption of House amendment A in concurrence. House amendment adopted in concurrence.

Mr. DEASY—I would move that the bill be indefinitely postponed.

Mr. DEASY of Hancock—Mr. Presi-

dent, I am opposed to the passage of this bill for several reasons. I am opposed to it first, because we have not sufficient information before this Senate and this Legislature upon which to base action upon so important a measure as this.

This bill binds the State of Maine to take over all of the highway bridges of the State of Maine over 40 feet in length, to care for them, to repair them, to maintain them; and hereafter to build all highway bridges over 40 feet in length.

But the State highway commissioner does not know and no man in the State of Maine knows how many bridges there are?

The State highway commissioner has no information—nobody has any exact information as to what it costs the several towns in the State of Maine to repair those bridges.

The State highway commissioner is not prepared to make an estimate as to what it will cost the State in the next year to repair them and care for them and maintain them—and we can only guess, and shudder while we guess what it will cost to take over all the bridges under construction; and to build all the new bridges that will be called for after this bill has been passed.

We have, it is true, some little information—very little. It appears that there are 782 bridges of over 50 feet in length. How many bridges there may be between 40 and 50 feet in length we do not know. There were 3715 bridges between 10 and 50 feet in length and the highway commissioner estimates that there may be a quarter of them between 40 and 50 feet. If so there are 1700 bridges over 40 feet long. There are other persons, having quite as good sources as information as the highway commissioner, who estimate that the whole number of bridges we are taking over amount to at least 3000.

How much did it cost to maintain them, to repair them last year? The highway commissioner does not know. The only information we have on the subject is that it cost a hundred thousand dollars to repair the bridges last

year, in 106 towns. At that rate—assuming that these towns were average towns it cost to maintain and repair the bridges last year, \$500,000. It would cost the 500 towns of the State of Maine about \$500,000 to repair all bridges over 10 feet long.

How much of that was expended in the repair of bridges over 40 feet long? Nobody knows. We can only guess—and I think it fair to say it must have cost from \$300,000 to \$400,000 to repair and to care for those bridges last year.

Second, Mr. President, I object to the passage of this bill; and ask for its indefinite postponement because I believe it violates the principle of local self government that has always obtained in this State.

It has ever been the policy of this State to leave local institution in the care of municipalities.

We have, it is true, from the treasury of the State in proper cases extended aid to towns, cities and plantations; but we have not taken out of their hands the management of their local concerns in any case. We have extended aid in the case of schools, but we have not taken the schools out of the hands of the people and put them into the hands of a commissioner here in Augusta. We have extended assistance to the towns in the matters of roads very properly, but we have not taken the roads out of the hands of the people and vested them in a commissioner sitting here in Augusta. We have extended aid in meritorious cases to towns in the buildings of bridges but we have left the bridges in the hands of the people.

Now if we pass this bill—if we take the bridges out of the hands of the people of the towns and put them into the hands of a commission in Augusta, next year will we not be called upon to take the roads out of the hands of the people or to take the schools out of the hands of the people and vest them in a central government here in Augusta, or wherever the capital may be?

It may be, Mr. President, that the commissioner, or commissioners, sitting at the seat of government of this State may be better able to manage

the people's affairs than they are themselves. It may be true; but, Mr. President, the people do not believe it; and you have got to spend sometime in a campaign of education before you can make them believe it. You have got to send somebody around to teach them that they are not capable of local self government and the management of their own affairs, before you take these things out of their hands; you will have to send my brother Heselton around the State with his convincing tongue to talk to the people, to teach them that they are not fit to take care of their own affairs; you will have to send the highway commissioner around with him that he may speak briefly upon the subject of what he knows on the subject of building bridges.

But, until, Mr. President, you have taught the people that they do not know how to manage their own affairs—and it will require a long time to teach them this—(they have got an idea that they do know how. They have done it; and their forefathers before them and it takes a long time to unlearn them) until you have taught them that their affairs can be managed better from Augusta than they are in their own hands and under their own control, a Legislature that attempts to take these public municipal matters out of the hands of the people will get itself into trouble.

Another objection I have to this bill, Mr. President, is: It is unfair. There are two classes of towns. There is one class of towns which by infinite industry, by taxing themselves by self sacrifice has built bridges. There are other towns which have not built them but have spent their money for other things. Now, you are saying to those towns that have bridges. You have your bridges—you have paid for them; you have taxed yourself to pay for them—now tax yourself to build bridges in other places.

This unfairness, Mr. President, is accentuated in the case of towns, and there many of them that have built bridges and have not paid for them and which have notes and bonds outstanding. There are towns that have built bridges that have notes and bonds out-

standing upon which they are paying interest and principal and are taxing themselves to pay the principal and interest year after year. Will you say to those towns: You have built your bridges—you owe for them; we propose to take them away from you or take their title and management away from you, you must keep on paying your notes and bonds and besides that you must tax yourselves to build bridges in Portland and to build bridges everywhere in the State of Maine?

Again, Mr. President, I object to the bill on principle because it seems to me unwise to incur obligations that are to be met within the next year, without providing for them by appropriation.

We are by this bill incurring obligations to be met during the next year of from three to six or seven hundred thousand dollars.

Bridges under construction will add some hundreds of thousands to that, and new bridges—I do not know how much more; and we are (if I understand the amendment) appropriating \$197,000 to take care of from three to four hundred to six or seven hundred thousands dollars of obligations.

I object the bill on the principal for all these reasons; and then, Mr. President, I object to it because in detail it is bad. The bill, being very important, should be carefully drawn, it should be drawn so, as far as possible, to contain no ambiguities. This bill in every section—in every paragraph—in every line is ambiguous and fruitful of law suits.

In saying this I am not in any way reflecting upon the committee which passed it for I know very well that bills frequently pass through my committee which I have not examined in detail which may be as faulty as this.

Brother Heselton mentioned some of the defects, and there are many others, and I have not time to mention more. As it stands, the first part is all right. There is no glaring error until you come to the second word in the first line of Section 1. That is all wrong. From that on, the bill is pretty nearly all wrong.

Besides the amendments suggested by Brother Heselton, let me suggest a few others.

There are many others.

I have not noticed that he made any change in the last part of Section 1 which says "the commissioner of highways of the State of Maine shall designate by sign, number or otherwise each and every bridge in the State over over 40 feet in length."

Why should the State highway commissioner designate a bridge less than 40 feet in length if this bill provides for that?

Not to speak of many of these imperfections, the bill provides in Section 8 that towns shall be liable for injuries caused by sudden defects. Section 10 provides that the State shall re-imburse for damages caused by injuries.

I will mention but one other although the bill bristles with ambiguity: "upon the completion of the bridge the county commissioners shall collect of the State the cost of it. The county commissioners are required to build the bridge. They cannot collect of the State a cent until the bridge is done.

Now where are the county commissioners going to get the money to build the bridge? They are authorized to borrow money for purposes of the county, but they are not authorized by any law to borrow for the purpose of the State, and this is for a purpose of the State. Where are the county commissioners to get the money to build these bridges?

It is true that they can make contracts undoubtedly with bridge building companies and corporations to build these bridges, and wait until the bridge is done and until all legal formalities are complied with; and take their money when it comes from the State. But small contractors living in the State cannot do that.

Mr. President, I do not say because it is not true of course that bill was dictated by bridge building corporations; but, if bridge building corporations has made a bill and introduced it here, it would have been made right along these lines. When Tanner became commissioner of pensions we were troubled by an embarrassing surplus, he was inclined to be liberal; in the matter of pensions, and when he took charge of the pension department he made a remark which was widely

circulated at the time. He said, in going into the pension department, "Now, God help the surplus."

If this bill passes, Mr. President, the same fervent prayer may be uttered with reference to any surplus that the State of Maine or its taxpayers may have.

Mr. HESELTON: Mr. President: Very briefly, in reply to some of the suggestions made by the senator from Hancock, who has so eloquently spoken upon this question and raised all of the prejudices that might possibly be aroused in the minds of any senator in regard to the feasibility or practicability of this measure which simply says that the State of Maine shall pay for its own public works and their management—not that the State of Maine shall reach into any municipality and take therefrom anything which, in its power as a municipality, it has a right to govern or control—but no man knew the delicate touch with which he could excite prejudice in these matters on that question more than my friend, the senator from Hancock, able attorney and lawyer that he is.

Now, as to the first objection which he states here that we have not sufficient information in regard to this great project. That suggestion, I beg to say, is simply put in here for the purpose of defeating the measure. The Republican party, of which my friend is an able exponent and a believer in its principles and doctrine—has said: We believe in the principle of the State caring for its public utilities.

Have we sufficient information? We have accurate information as to all bridges more than 50 feet in length. We have, substantially accurate information in regard to bridges from 50 to 40 feet in length, sufficient for us to consider. Before this Legislature, then, is enough information of the cost for us to assume the responsibility, if it is our duty to assume that responsibility.

The senator asks: How much would it cost to carry on the repairs of these bridges; and in answer names the figure \$500,000, which it cost the municipalities in the State of Maine one year ago.

Who paid for that expenditure? The municipality.



What did it pay it for?

For a public institution.

Now, if you, today, put upon the State the raising of that sum by taxation, who pays the tax?

The municipality,—its fair and equitable part, and the city or town of Bar Harbor its part, which today it is not paying.

He says it violates the rules of local self-government. How? Does it violate the rules of local self-government for the State of Maine to manage its own public utilities? Do we say that we will go down into Bar Harbor, or into the city of Portland, and take their schools and manage them? No.

It simply says: We will take the bridges which are public works, belonging to the State which we have obliged you to carry these many years, and care for them ourselves, distributing the cost of their care equally among the municipalities of this State, by taxation.

It is unfair, is his third proposition, to have these towns, which have built their bridges, and, by promisory notes, perhaps, paid part of their obligations, to now pay those notes and to assist in building and caring for the bridges in their localities.

Why, senators, is it unfair to assume a public burden, and have it carried by the State?

Is it unfair to these towns that in the future, they are relieved from all the expenses of caring for these bridges?

If you defeat this law, you leave them with that burden upon their shoulders, to continue indefinitely, and also to pay for these promisory notes that they have issued in payment of the cost of these bridges.

It is also suggested by the senator, as the fourth reason, that we are incurring an obligation without any adequate means for caring for it. I fail to see how that proposition is a fair argument in this case.

We have, by the adoption of an amendment this morning, adequately cared for the expenses that the State would incur for assuming this public debt. By one-half of one mill tax we will raise a sum of over \$160,000, and that sum, in the estimation of people

as able to judge as my friend, the senator from Hancock, would be sufficient to care for the expenses and repairs of these bridges.

Fifthly—In detail this is a bad bill, says the senator from Hancock.

I had nothing to do with the construction of it, and, if I had, I fear I could not frame it in better terms than this.

This last suggestion is the old, antiquated way of approaching a bill which is marked out for—murder.—“It is defective in detail”—“It is improperly drafted.”

That is the usual way of taking a measure that revolutionizes any public work, and if such a method is successful and it is pressed forward to another Legislature, you have thus defeated the object which it was the purpose of the bill to serve.

It is simply a question, whether you wish to adopt this measure of killing the bill, or whether you will stand, as I hope the Republicans of this Senate will stand by their declarations in the platform and by their vote elsewhere, that the public should care for public utilities.

I have no doubt that there are many imperfections in this bill. I have no doubt there are many ambiguities in this bill.

The same is true of every measure that was ever presented enacting such a broad question as this by any Legislature. But these defects, these imperfections, these ambiguities will be taken care of by subsequent legislators.

I suggest to this Senate this one thing: That with all of the ability that the senator from Hancock handled his side of this case, that back of this there is something which does not appear upon the surface. Bar Harbor, his own native city—that beautiful city by the sea—one of the wealthiest towns in New England, has been here at every meeting of the committee that has considered any question that suggested equalization of taxation, and has steadfastly opposed such measure. If it was education, Bar Harbor was represented here to antagonize it. If it was for good roads, Bar Harbor was here for the same purpose—and why, pray?

For the solitary reason that Bar Har-

bor, revelling in local luxury, of sewers, electric lights and many other public utilities (one of which I saw pictured in the papers of last Sunday—a beautiful, a magnificent proposed school house) has incurred public debt which undoubtedly means large taxation to her people. But is not that anaxagous to the principle that if our honored President should build in his community a house with a fine bath room, and with nice electric appliances and all modern conveniences, and should say to his community: Why, I have put out so much money for my personal and private convenience, I cannot afford to assist you, my own municipality, in paying your taxes?

So it is with Bar Harbor. This measure providing for a public utility, which the State should care for just as much as care for the insane, for the poor, for criminals. She should be willing to care for these public utilities just as much as she does for her other public works, and, when expense is distributed over this State, the burden of that taxation for the taking over of these private utilities, then Bar Harbor, of course, having taxable property there in excess of what other localities have, will be obliged to pay something more than she does today. But, is it not fair? She is a part of the State of Maine. She is favored by Providence in not having bridges. Why should not she, even under these circumstances, assist in caring for these public utilities.

I believe in the general principles of the bill and I hope that the measure will not be indefinitely postponed.

Mr. PARKHURST of Penobscot:

Mr. President:—It had not been my intention to address the Senate upon this subject. For that reason what I may say must be received with a certain amount of consideration for its imperfections of detail. The discussion has, however, Mr. President, approached such a position that I cannot vote upon the pending question with satisfaction to myself, without attempting to define my view of it.

The principle which the Senator from Kennebec has invoked, that the State should take over and assume

the charge altogether, or in part, of certain public utilities, I believe in. Its application, by the terms of the bill now before us, I do not believe in.

As I understand the subject: the "public utilities" that may be assumed by the State, in any measure, are of several classes,—those, in the first instance, that are primarily public burdens; those, in the second instance, that are partly public and partly local; and, in the third instance, those that are entirely local.

The bridges that this bill deals with may be of either of the two latter classes—those that serve almost exclusively the towns and cities in which they are located and those that serve the municipalities in which they are located and also serve the State at large.

So far as the bridges fall in the latter class, and serve the general public, they might, with propriety; and should, in fact, to some extent, be sustained by the State.

If the principle which is now being ment" finds expression in the establishment of a series of State roads throughout the State, it does seem to me that the bridges that form a part of that State road the location of which is determined by proper legal means, are properly, at least in part, charges for the State to maintain. I cannot believe that those bridges that serve the local purposes of individual towns should be at this time regarded as proper subjects for general State support.

As the bill stands it fails to give expression to that principle of public policy which has been involved. There are pending certain amendments. The exact effect of those amendments I am unable to understand because I have not been in touch with the drafting of the bill or the preparation of the amendments. It may be that, when they have been adopted, or discussed, that they will give expression to the principle so that the Senate may then feel that it can be adopted.

I oppose the indefinite postponement of the bill pending the adoption of these amendments, because it is not possible to now determine the merit

of the measure we shall have before us, when they have been disposed of.

The yeas and nays were called for and ordered.

A vote being taken upon the motion of Senator Deasy of Hancock that the bill be indefinitely postponed. Those voting yea were Messrs. Curtis, Deasy, Eaton, Foss, Garcelon, Mills, Page, Philoon, Proctor, Putnam, Rice, Staples Stearns, Tartre, Wyman. (15.) Those voting nay were Messrs. Ayer, Bailey, Barrows, Brown, Clarke, Hastings, Irving, Libby, Parkhurst, Heselton, Sewall, Simpson, (12) Pairs, Houston voting yea with Merrill voting nay.

So the motion prevailed.

On motion of Mr. Deasy of Hancock a vote was taken to reconsider the motion to indefinitely postpone and the yeas and nays were called for and ordered upon said motion resulting as follows:

Those voting yea were Messrs. Ayer, Bailey, Barrows, Brown, Clarke, Hastings, Irving, Libby, Parkhurst, Heselton, Sewall, Simpson, (12). Those voting nay were Messrs. Curtis, Deasy, Eaton, Foss, Garcelon, Mills, Page, Philoon, Proctor, Putnam, Rice, Staples, Stearns, Tartre, Wyman. (15) Pairs Messrs. Houston voting yea with Merrill voting nay, so the motion to reconsider was lost.

On motion by Mr. Eaton of Washington it was

Ordered that the committee on Insane Hospitals be instructed to inquire into the expediency of insuring the Insane Hospital against loss by fire, and report by bill or otherwise.

On motion of Mr. Houston of Piscataquis the Senate adjourned.

## HOUSE.

Wednesday, March 6, 1907.

Prayer by Rev. Mr. Clifford of Gardiner.

Papers from the Senate disposed of in concurrence.

Bill, An Act to amend the law in relation to taking smelts on the St. George river, having been referred in the House to the committee on shore fisheries, came back from the Senate that branch non-concurring with the House in its reference and indefinitely postponing the bill.

On motion of Mr. Baldwin of Boothbay Harbor the House receded and concurred with the Senate in its action.

The following petitions, bills, etc., were presented and referred:

### Judiciary.

By Mr. Danforth of Skowhegan—Petition of Abel E. Thompson of Skowhegan and 11 others for favorable consideration of bill to regulate practice of osteopathy in the State of Maine.

By Mr. Davies of Yarmouth—Petition of Rev. M. Joseph Twomey of Portland and 100 others for same; of Zebulon Jackson of Portland and about 25 others for same.

By Mr. Putnam of Danforth—Petition of J. E. Huff and 25 others of Topsfield for initiative and referendum.

By Mr. Theriault of Fort Kent—Petition of E. W. Thibodeau and 27 others; of L. D. Hobbs and 26 others of Caribou; of Joseph Findlen and 25 others of Caribou; of L. E. Tuttle and 24 others of Caribou; of B. E. Wilder and 58 others of Washburn; of Horace S. Pierce and 16 others of Blaine and Mars Hill—for same

By Mr. Weid of Old Town—Bill, An Act to insure the better education of practitioners of horse-shoeing and to regulate the practice of horse-shoeing.

By Mr. Johnson of Waterville—Bill, An Act in relation to the specific performance of contracts, made by corporations to deliver stock.

### Legal Affairs.

By Mr. Martin of Bangor—Petition of Hon. Albert W. Paine of Bangor